

1914

## c 9 Personation Act

Ontario

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## CHAPTER 9.

An Act to provide for the Prompt Punishment for Personation at Elections for the Legislative Assembly.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Punishment for Personation Act*. 9 Edw. VII. c. 3, s. 1. Short title.
2. In this Act "county" shall include "district." 9 Edw. VII. c. 3, s. 2. Interpretation  
"County."
3. Where a person is charged at a place of registration under *The Manhood Suffrage Registration Act*, or at a polling place with having committed the offence of personation as defined by the said Act or by *The Ontario Election Act*, the registrar or deputy returning officer at such place may take the information on oath of the person making the charge, and it shall be the duty of the registrar or deputy returning officer to take the information when requested so to do by a candidate or his agent. 9 Edw. VII. c. 3, s. 3. Information before officer at registry or polling place.  
Rev. Stat. cc. 7, 8.
4. Where the information is laid before a registrar and a warrant is issued by him under this Act, or, notwithstanding the provisions of section 201 of *The Ontario Election Act*, where the information is laid before a deputy returning officer, and a warrant for the arrest of the offender is issued by him under this Act, the punishment or penalty imposed by law may be imposed by or recovered before a police magistrate or two justices of the peace in a summary manner under *The Ontario Summary Convictions Act*, and every warrant issued by such officer shall be presumed to have been issued under this Act. 9 Edw. VII. c. 3, s. 4. Mode of recovering penalty.  
Rev. Stat. c. 8.  
Rev. Stat. c. 91.
5. Where the person against whom it is proposed to lay the information has not left the place of registration or the polling place, the registrar or deputy returning officer may, either of his own motion or at the request of any one proposing forthwith to lay any information against such person, detain him or direct his detention until an information can be laid and a warrant for his arrest issued. 9 Edw. VII. c. 3, s. 5. When offender may be detained.

When  
warrant  
may be  
issued.

6. Where the information is laid, the registrar may on any day during which a sittings for registration is held, or the deputy returning officer may on the polling day, but not afterwards, issue his warrant for the arrest of the person charged, in order that he may be brought before the police magistrate or justices of the peace to answer the information and to be further dealt with according to law. 9 Edw. VII. c. 3, s. 6.

Authority of  
constable,  
etc., under  
warrant.

7. The warrant shall be sufficient authority for any constable, peace officer or gaoler to detain such person until he is brought before the police magistrate or justices of the peace. 9 Edw. VII. c. 3, s. 7.

Where name  
of person  
charged is  
unknown.

8. Where the correct name of the person charged is unknown to the informant, it shall be sufficient in the information and other proceedings to describe the person charged as a person whose name is unknown, but who is detained by the authority of the registrar or deputy returning officer under the provisions of this Act; or the person charged may be described in such other manner as may sufficiently identify him; but when the name of the person so charged has been ascertained, it shall be stated in any subsequent warrant or proceeding. 9 Edw. VII. c. 3, s. 8.

Authority of  
certain officers.

Special  
constables.

9. Every registrar's clerk and every poll clerk shall have the authority of a constable for the purpose of carrying out the provisions of this Act; and every registrar and deputy returning officer may appoint such special constables as he deems necessary for the like purpose; and such persons shall have full power to act without taking any oath. 9 Edw. VII. c. 3, s. 9.

Form of  
information  
and warrant.

10. Informations or warrants may be in accordance with the forms in the Schedule hereto, but it shall not be necessary that a warrant shall have a seal affixed thereto, and the omission of a seal, where a warrant purports to be sealed, shall not invalidate it. 9 Edw. VII. c. 3, s. 10.

Supply of  
forms.

11. Every crown attorney shall keep in his office a sufficient supply of printed forms of such informations and warrants, and shall upon the request of the chairman of a board of manhood suffrage registrars furnish him with as many of such forms as are necessary for the use of the registrars, and shall upon the request of the returning officer furnish him with as many of such forms as are necessary for the use of the deputy returning officers; and every returning officer shall, before the polling day, furnish each deputy returning officer with at least ten of each of such forms. 9 Edw. VII. c. 3, s. 11.

Allowance to  
Crown  
Attorney for  
supplying  
forms.

12.—(1) For providing and furnishing the forms, the crown attorney shall be allowed \$4 for each election for which such forms are supplied, to be paid on the production

of the receipts of the officer or officers to whom they were furnished.

(2) The fees and the disbursements of the crown attorney <sup>How</sup> in obtaining the forms shall form part of the expenses of <sup>chargeable.</sup> criminal justice. 9 Edw. VII. c. 3, s. 12.

**13.** Every person guilty of any wilful misfeasance, or any wilful act or omission in contravention of this Act, shall, in addition to any other penalty or liability to which he may be subject, forfeit to any person aggrieved by such misfeasance, act or omission, \$400. 9 Edw. VII. c. 3, s. 13. Pecuniary penalty.

### SCHEDULE.

## FORM 1.

(See Section 37 of the Manhood Suffrage Registration Act.)

*Information for Personation at a Place of Registration of Manhood  
Suffrage Voters.*

County of \_\_\_\_\_,      The information of  
   of the \_\_\_\_\_ of \_\_\_\_\_, taken  
of \_\_\_\_\_,      this day of \_\_\_\_\_ 19 \_\_\_\_\_, before  
                                 the undersigned, a Registrar under *The*  
To Wit:      *Manhood Suffrage Registration Act*, for  
the \_\_\_\_\_ of \_\_\_\_\_.

The informant says that he believes that (1) on this day at the sittings held in the of at a place of registration in the said for the registration of voters under the said Act did commit the offence of personation contrary to the said Act for that the said (2) did apply to be registered in the name of another person, that is to say, in the name of C. D. (3).

A. B.,  
Informant.

Taken and sworn (4) before me at the said place of registration  
and on the day and year above mentioned. W. J.

NOTE:—(1) If the name of the person charged is unknown to the informant substitute "a person whose name is unknown to the informant, but who is now detained in the said place of registration under my order."

(2) Or "person, whose name is unknown."

(3) Or "having been once registered did apply to be again registered under the said Act."

(4) Or, if the informant is a person who may by law affirm in civil cases then for "sworn" substitute "solemnly affirmed".



## FORM 2.

(See Section 174 of The Ontario Election Act.)

*Information for Personation at a Polling Place.*

County of \_\_\_\_\_, } The information of \_\_\_\_\_ of  
 of \_\_\_\_\_, } the \_\_\_\_\_ of \_\_\_\_\_, taken this  
 day of \_\_\_\_\_ 19\_\_\_\_, before the  
 To Wit: } undersigned, a Deputy Returning Officer  
 at a polling place in the \_\_\_\_\_ of \_\_\_\_\_ for an election then being  
 held of a Member of the Legislative Assembly for the Electoral Dis-  
 trict of \_\_\_\_\_

The informant says that he believes that \_\_\_\_\_ (1)  
 on this day at the said polling place did commit the offence of  
 personation contrary to *The Ontario Election Act*, for that the said  
 (2) did apply for a ballot paper in the  
 name of another person, that is to say, in the name of C. D (3).

A. B.,

Informant.

Taken and sworn (4) before me at the said polling place and on  
 the day and year above mentioned.

W. J.

NOTE.—(1) If the name of the person charged is unknown to the infor-  
 mant substitute "a person whose name is unknown to the informant but  
 who is now detained in the said polling place under my order."

(2) Or "person whose name is unknown."

(3) Or, "having voted at the same election, did apply for a ballot paper in his own  
 name," or "did vote more than once at the same election."

(4) Or, if the informant is a person who may by law affirm in civil cases  
 then for "sworn" substitute "solemnly affirmed."

9 Edw. VII. c. 3, Form 2.

## FORM 3.

*Warrant for Personation at Place of Registration.*

County of \_\_\_\_\_, } To all or any of the constables and  
 of \_\_\_\_\_, } other peace officers in the County of  
 To Wit: } and of \_\_\_\_\_  
 day been taken before the undersigned, a Registrar for the  
 of \_\_\_\_\_ under *The Manhood Suffrage Registration*  
*Act*, for that (1) on this day at a sittings held  
 in the \_\_\_\_\_ of \_\_\_\_\_ at a place of registration in the  
 said \_\_\_\_\_ for the registration of voters under the said Act, did  
 commit the offence of personation contrary to the said Act, for  
 that the said (2) did apply to be registered in the  
 name of another person, that is to say, in the name of  
 (or as the case may be, describing the offence as in the infor-  
 mation);

These are therefore to command you in His Majesty's name  
 forthwith to apprehend the said \_\_\_\_\_ and to bring him  
 before the Police Magistrate of the said \_\_\_\_\_ or before two  
 Justices of the Peace for the said county to answer to the said  
 information and to be further dealt with according to law.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_  
 19\_\_\_\_.

W. J.

NOTE.—(1) If the name of the person charged is unknown substitute "a  
 person whose name is unknown to the informant, but who is now detained in the said  
 place of registration by my order and is being delivered into the custody of G.D., a  
 constable of the said \_\_\_\_\_"

(2) Or, "person, whose name is unknown."

9 Edw. VII. c. 3, Form 3.

## FORM 4.

*Warrant for Personation at Polling Place.*

County of \_\_\_\_\_, } To all or any of the constables and  
of \_\_\_\_\_, } other peace officers in the \_\_\_\_\_ of  
To Wit: } and of \_\_\_\_\_  
Whereas information on oath has this  
day been taken before the undersigned, a deputy returning officer  
at a polling place in the \_\_\_\_\_ of \_\_\_\_\_ for an  
election then being held of a Member of the Legislative Assembly  
for the electoral district of \_\_\_\_\_ for that  
(1) on this day at the said polling place did  
commit the offence of personation, contrary to *The Ontario*  
*Election Act*, for that the said \_\_\_\_\_ (2) did apply  
for a ballot paper in the name of another person, that is to say,  
in the name of \_\_\_\_\_ (or as the case may be, describ-  
ing the offence as in the information);  
These are therefore to command you in His Majesty's name  
forthwith to apprehend the said \_\_\_\_\_ and to bring him  
before the Police Magistrate of the said \_\_\_\_\_ or before two  
Justices of the Peace for the said county, to answer the said  
information and to be further dealt with according to law.  
Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_  
19 . . . . . W. J.

NOTE.—(1) If the name of the person charged is unknown substitute "a person whose name is unknown to the informant, but who is now detained in the said polling place, and is being delivered into the custody of G. D., a constable of the said \_\_\_\_\_"

(2) Or, "person whose name is unknown."

9 Edw. VII. c. 3, Form 4.